

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

L. Grier	*
Plaintiff,	*
v.	* CIVIL ACTION NO. CCB-06-596
LINCOLN MURCURY ¹	*
Defendant.	*

MEMORANDUM

Pending is a complaint filed by plaintiff pro se L. Grier against defendant Lincoln Murcury alleging *inter alia*, racial discrimination, property damage, and slander arising from the purchase of an automobile.² Plaintiff has also filed a motion to proceed in forma pauperis. The court will grant the motion for leave to proceed in forma pauperis and dismiss the complaint without prejudice *sua sponte* for lack of jurisdiction.

Jurisdiction of the federal courts is limited. Federal jurisdiction is available only when a "federal question" is presented or the parties are of diverse citizenship and the amount in controversy exceeds \$75,000.00.³ See U.S. Const. Art. 3 § 2; 28 U.S.C. §§ 1331 & 1332. The court, *sua sponte*, at any stage of a proceeding, may raise the question of subject matter jurisdiction. See Cook v. Georgetown Steel Corp., 770 F.2d 1272, 1274 (4th Cir. 1985).

In this case, the complaint does not raise a federal claim, and Plaintiff intends to bring this action pursuant to diversity of the parties. Paper No. 1, Attachment 2. Both parties, however, are located in the state of Virginia, and there is no diversity of citizenship. Absent diversity jurisdiction,

¹ Defendant's name appears as it was spelled by plaintiff in the complaint.

² Plaintiff does not predicate these claims on any federal law or constitutional right.

³ 28 U.S.C. § 1332 provides that "district courts shall have original jurisdiction of all civil actions where the matter in controversy exceeds the sum or value of \$75,000, exclusive of interest and costs, and is between" parties that reside in different states.

the complaint fails to allege a claim over which this court may exercise subject matter jurisdiction. Accordingly the court will dismiss this case without prejudice pursuant to Fed R Civ. P 12(h)(3) by separate Order.

March 10, 2006
Date

/s/
Catherine C. Blake
United States District Judge